

**PROPOSED AMENDMENTS TO RULE 955,
CALIFORNIA RULES OF COURT**

[Added Language in Bold; Deleted Language Crossed-Out]
(Approved by the Board of Governors August 26, 2000,
subject to adoption by the Supreme Court)

**RULE 955. DUTIES OF DISBARRED, RESIGNED, OR
SUSPENDED ATTORNEYS**

(a) [Disbarment, Suspension, and Resignation Orders]

The Supreme Court may include in an order disbarring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member shall, within such time limits as the Supreme Court may prescribe, (1) notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys, (2) deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property, (3) refund any part of fees paid that have not been earned, and (4) notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

(b) [Involuntary Inactive Orders and Interim and PRE Suspension Orders]

The State Bar Court may include, in an order placing a member of the State Bar on interim suspension pursuant to rule 951(a), or for failure to take and pass a professional responsibility examination pursuant to rule 951(b), or an order placing a member on involuntary inactive enrollment pursuant to section 6007, subdivision (c) or (e) of the Business and Professions Code, a direction that the member shall, within such time limits as the State Bar Court may prescribe, comply with the duties of subdivisions (a)(1) through (a)(4) of this rule. If the order places a member on inactive enrollment, the member shall refer to that status in any direction to comply with subdivisions (a)(1) through (a)(4) of this rule.

(bc) [Notices to Clients, Co-Counsel, Opposing Counsel, and Adverse Parties]

All notices required by an order of the Supreme Court or the State Bar Court pursuant to this rule shall be given by registered or certified mail, return receipt requested, and shall contain an address where communications may be directed to the disbarred, suspended, or resigned member.

(ed) [Filing Proof of Compliance]

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, ~~or~~ resignation, **or involuntary inactive enrollment**, the member shall file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered pursuant to this rule. The affidavit shall also set forth an address where communications may be directed to the disbarred, suspended, ~~or~~ resigned **or inactively enrolled** member.

- (de) A disbarred or resigned member's willful failure to comply with the provisions of this rule constitutes a ground for denying his or her application for reinstatement or readmission. A suspended **or inactively enrolled** member's willful failure to comply with the provisions of this rule constitutes a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.